

## **REMARKS**

### **Rejection of Claims in View of Prior Art**

The Office Action rejected pending claims 1, 2, 4-9, 11-21, 23-27, and 29-35 as unpatentable as obvious under 35 U.S.C. 10(3)(a). In particular, claims 1, 2, 4, 8, 11-13, 17-21, 23, 29-31, and 35 were rejected as obvious over SanGiovanni U.S. Patent No. 6,850,784 ("SanGiovanni") in view of Aagaard U.S. Patent No. 6,839,576 ("Aagaard"). In addition, claims 5, 7, 9, 14, 16, 24, 26-27, 32, and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over SanGiovanni in view of Aagaard, and further in view of Zatloukal U.S. Patent Publication 2003/0073462 ("Zatloukal"), and claims 6, 15, 25, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over SanGiovanni in view of Aagaard and Zatloukal, and further in view of Ozaki U.S. Patent Publication 2002/00617770 ("Ozaki"), claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over SanGiovanni in view of Aagaard, and claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over SanGiovanni in view of Aagaard, and further in view of Zatloukal.

### **The Rejection of Claim 1**

Claim 1 is best viewed with respect to Figures 1, 2, and 4, and is directed to a portable phone having a housing having a top portion and a bottom portion, a keypad positioned on the bottom portion of the housing, a display screen positioned in a first position generally above the keypad on the top portion of the housing, a navigational key positioned on the housing between the display screen and the keypad (configuration shown in Figure 1); wherein the display screen is rotatable from the first position to a second position where the display screen is positioned generally to the side of

the keypad and navigational key (configuration shown in Figure 2), and the keypad is axially extendable from the navigational key from a first position to a second position (such axial extension is illustrated in Figure 4). Claim 1 was previously rejected under 35 U.S.C. 102(b) as anticipated by SanGiovanni. This rejection has been withdrawn, as the Office Action acknowledges that SanGiovanni fails to teach that the keypad is axially extendable from the navigational key from a first position to a second position. Office Action, page 3. To cure this deficiency, the Office Action turns to the Aagaard reference, which allegedly teaches that the keypad is axially extendable from the navigational key from a first position to a second position and specifically cites to column 2 lines 35-65 and column 7, lines 7-35. *Id.*

Applicant respectfully disagrees that Aagaard shows a keypad that is *axially extendable* from the navigational key from a first position to a second position as required by claim 1, and illustrated in Figure 4 of the present patent application. Instead, Aagaard shows only a second housing portion 106 that includes both a keypad and navigational key. See, e.g., Aagaard Figures 3-9. There is no relative movement between the keypad and the navigational key in Aagaard, as they are both contained on the single second housing portion 106. There is no ability to axially extend the navigational key from the keyboard. In other words, the distance between the keypad and the navigational key remains constant, and they can't be extended from one another to create a larger distance between the two as claim 1 requires, and is illustrated in Figure 4 of the present application. The cited portions of the Aagaard specification are directed to a hinge that allows relative motion between the first housing portion 104 (containing the display) and the second housing portion 106 (that contains the navigational key and keyboard). Nothing in the cited sections of Aagaard

however, are directed to relative movement of the navigational key and keypad, only the first housing section 104 and the second housing section 106. Accordingly, Applicants respectfully submit that the teaching of Aagaard fail to cure the deficiencies of SanGiovanni and request withdrawal of the rejection of claim 1 as obvious over SanGiovanni and Aagaard.

#### **The Rejection of Claims 2, 4, 5, 7, and 8**

Claims 2, 4, 5, 7, and 8 now depend from claim 1 and are allowable for the same reasons set forth above with respect to claim 1.

#### **The Rejection of Claims 6**

Claim 6 was rejected as obvious over SanGiovanni, in view of Aagaard and Zatloukal, and further in view of Ozaki. Claim 6 depends from claim 1 and the rejection of claim 6 should be withdrawn for the same reasons set forth above with respect to claim 1. Claim 6 further requires a slideway that is adapted for cooperation with a slide positioned on a bottom surface of the keypad to facilitate extension of the keypad from the navigational key. This configuration is illustrated in Figure 4 of the present application. The Office Action acknowledges that SanGiovanni, Aagaard, and Zatloukal “fail to teach” the inclusion of a slideway adapted for cooperation with a slide to facilitate the axial extension of the keypad from the navigational key. To cure this deficiency, the Office Action turns to Figure 4 of Ozaki to cure this deficiency. As an initial matter, neither SanGiovanni, Aagaard, or Zatloukal show a keypad that is *axially extendable* from a navigational key as required by claim 1. They simply do not show a keypad that may be axially extended from a navigational key as required by claim 1. Applicant submits that Ozaki also fails to show a

slide/slideway required by claim 6 that allows for the axial extension of a keypad from a navigational key. Ozaki simply fails to show that the keypad and navigational key can be extended from one another in an axial direction as required by claim 1, and fails to show a slide/slideway for use in axially extending the keypad from the navigational key as required by claim 6. In contrast, Figure 4 of Ozaki shows only rotational movement of a display screen with respect to a keypad. It does not show an axial slideway and slide that could provide *axial extension* of the navigational key from the keypad as required by base claim 1 and dependent claim 6. Accordingly, the rejection of claim 6 should be withdrawn.

#### **The Rejection of Independent Claim 9**

Independent claim 9 is best viewed with respect to Figures 1 and 3a, and is directed to a portable phone having a housing having a top portion and a bottom portion, a keypad positioned on the bottom portion of the housing, a display screen positioned in a first position generally above the keypad on the top portion of the housing, and a navigational key positioned on the housing between the display screen and the keypad (shown in Figure 1); wherein the display screen and navigational key are both rotatable 180 degrees around a pivot from a first position wherein the navigational key is located between the display screen and the keypad to a second position wherein the display screen is located between the navigational key and the keypad. (Shown in Figure 3a).

Claim 9 was previously rejected under 35 U.S.C. 103(a) as obvious over SanGiovanni in view of Zatloukal. That rejection has now been replaced with a rejection over SanGiovanni in view of Aagaard and further in view of Zatloukal. However, the Office Action discussion does not refer to Aagaard. Nonetheless, Applicant submits that the rejection of claim 9 should be withdrawn.

SanGiovanni, Zatloukal, and Aagaard all fail to disclose a display screen and a navigational key that are both rotatable 180 degrees around a pivot such that in a first position the navigational key is located between the display screen and the keypad and in a second position the display screen is located between the navigational key and the keypad, as required by claim 9 and shown in Figures 1, and 3a of the present application. As clearly shown in Figure 1, the navigational key 16 is positioned between the keypad 18 and the display screen 14. As shown in Figure 3a, the display screen 14 and navigational key 16 are rotated 180 degrees from the first position shown in Figure 1 to the second position shown in Figure 3a, where the display screen is located between the navigational key and the keypad.

SanGiovanni certainly fails to show the navigational key and the display screen are rotatable around a pivot on the housing such that in a first position the navigational key is located between the keypad and the display screen and in the second position the display screen is located between the navigational key and the keypad. In SanGiovanni, the display is never positioned between the keypad and the navigational key. Nor does the navigational key move in relation to the keypad. The only component that moves relative to the keypad is the display screen. Essentially, claim 9 calls for swapping the positions of the navigational key and the display screen with respect to the keypad by rotating them both 180 degrees. This feature is not present in SanGiovanni. Furthermore, Zatloukal fails to add to the teaching of SanGiovanni as it fails to show rotating the navigational key and a display screen 180 degrees from each other via a pivot to “switch places” on the phone housing. See, Specification page 8, lines 1-12. The Office Action refers to Zatloukal as showing a phone with a display screen positioned between a keypad and navigational key. However, this is of no moment, as

it does not show physically rotating 180 degrees via a *pivot* a navigational key and a display screen relative to a keypad. Further, Aagaard fails to cure this deficiency as well, as it is directed to a stationary keypad and navigational key that do not move relative to one another (See Figures 2-9). Accordingly the rejection of claim 9 should be withdrawn.

### **The Rejection of Claim 11**

Claim 11 depends from claim 9 and claim 11 further requires that “the keypad is *axially extendable* from the display screen when the display screen is in the second position.” This configuration is clearly shown in Figures 3a (second position) and Figure 4 (showing axial extension of keypad from display screen in such second position). The Office Action rejected claim 11 apparently over SanGiovanni. However, the rejection of claim 11 should be withdrawn. The Office Action alleges that SanGiovanni teaches the phone of *claim 1*, further including means for extending/axially the keypad from the navigational key when the display screen is in the second position. The Office should have referred to the rejection of base claim 9, not claim 1. For this rejection, the Office Action relied on SanGiovanni, Zatloukal, and apparently Aagaard. Thus, as an initial matter, claim 11 is allowable for the same reasons set forth above with regard to claim 9. Further, the Office Action cites to Figure 1 of SanGiovanni as illustrating a keypad 104 that extends from the navigational key. This reliance is mistaken. Claim 11 requires that relative axial movement is capable between the keypad and the display screen. This is clearly shown in Figure 4 of the present application that includes an arrow between the display screen 14 and keypad 18 showing the direction of axial movement. SanGiovanni simply fails to show relative *axial movement* between the keypad and the display screen required by claim 11,

and instead shows only relative angular or rotational movement. Accordingly the rejection of claim 11 should be withdrawn, and the basis of rejection should be clearly set forth.

**Rejection of claims 12 and 14**

Claim 12 depends from claim 11 and claim 9, and the rejection of claim 12 should be withdrawn for the same reasons set forth above with respect to claim 11 and claim 9. Claim 12 further requires that “the navigational key is also *axially extendable* from the display screen when the display screen is in the second position.” This configuration is clearly shown in Figure 4 of the present application where the navigational key 10 is shown by the arrow moving in an axial direction away from display screen 14. Claim 14 also depends from claim 9, and the rejection of claim 14 should be withdrawn for the same reasons set forth above with respect to claim 9. Claim 14, similar to claim 12, requires that “the keypad and navigational key are both axially extendable from the display screen” as shown in the configuration shown in Figure 4 of the present application. The Office Action rejected claim 12 over SanGiovanni, although the ultimate base claim 9 was rejected over SanGiovanni, Zatloukal, and Aagaard. The Office Action rejected claim 14 as obvious over SanGiovanni in view of Aagaard, and further in view of Zatloukal.

With regard to claim 12, the Office Action stated that SanGiovanni taught a navigational key that was axially extendable from the display screen, and cited to Figure 1 of that patent. However, SanGiovanni fails to disclose a navigational key that is axially extendable (i.e., movable) from a display screen as required by claim 12 and as shown in Figure 4 of the present application. Figure 1 of SanGiovanni merely shows a display screen and a navigational key that are on the housing portion 102, and thus do not move in any manner with respect to each other, let alone axially. Zatloukal and

Aagaard similarly fail to show any extendable display screen, navigational key or keypad and therefore adds nothing to the teaching of SanGiovanni. Accordingly the rejection of claims 12 should be withdrawn, and the basis of rejection of claim 12 should be clearly set forth.

With regard to claim 14, the Office action stated that SanGiovanni and Aagaard teach the limitations of *claim 1*, but fail to teach a keypad that is extendable from the navigational key. As an initial matter, claim 14 depends from claim 9, not claim 1, and should be allowed for the same reasons set forth above with regard to claim 9, and the basis of rejection should be clarified. In any event, the Office Action turns to Zatloukal to cure the deficiencies of SanGiovanni and Aagaard. In particular, the Office Action states that Zatloukal shows “Adding control key to mobile device via smart interchangeable cover” and further that the keypad is extendable from the navigational key. Citing to Figure 8, and paragraphs 0050-51 on page 3. It is respectfully submitted that Zatloukal utterly fails to show a keypad that is *axially extendable*, i.e., movable with respect to the navigational key as required by claim 14 and shown in Figure 4 of the present application. Figure 8 and the cited paragraphs of Zatloukal simply do not show relative axial movement between the navigational key and the keypad that is required. For these reasons as well, claim 14 should be allowed.

### **Rejection of claim 13**

Amended claim 13 depends from claim 9 and the rejection of claim 13 should be withdrawn for the same reasons set forth above with respect to claim 9. Further, claim 13 includes essentially the same limitation as claim 12 and should be allowed for the same reasons set forth above with regard to claim 12.



### **Rejection of Claim 15**

Claim 15 depends from claims 9 and 11, and should be allowed for the same reasons discussed above with respect to claims 9 and 11. In addition, claim 15 further requires the housing to include a slideway adapted for cooperation with a slide positioned on the bottom surface of the keypad. As set forth above in the discussion of claim 6, none of the references used in rejecting claim 15, including SanGiovanni, Zatloukal, or Ozaki show this slide/slideway feature for axial extension, i.e., movement, and the rejection of claim 15 should be withdrawn for this reason as well. Further with regard to claim 15, the Office Action states that the rejection is based on SanGiovanni Aagaard, and Zatloukal, but then refers to base claim 1, as opposed to base claim 9. Clarification of the grounds of rejection should be clearly set forth.

### **Rejection of Claim 16**

Claim 16 depends from claim 9, and should be allowed for the same reasons set forth above with respect to claim 9. Further, the rejection of claim 16 refers to base claim 1, as opposed to base claim 9 from which claim 16 depends. Clarification of the basis of rejection is there requested.

### **Rejection of Claim 17**

Claim 17 depends from claim 9, and should be allowed for the same reasons set forth above with respect to claim 9. In addition, claim 17 further requires means for axially extending the keypad from the housing as shown in Figure 4 of the present application. A similar limitation is set forth in claim 11-14, and claim 17 should be allowed for the reasons set forth above with regard to those claims. Claim 17 was rejected over SanGiovanni, although base claim 9 was rejected over

SanGiovanni, Aagaard and Zatloukal. In any event, SanGiovanni does not show a keypad that is axially extendable from the housing, and the rejection of claim 17 should accordingly be withdrawn. Applicant also rejects clarification on the grounds of rejection, as the rejection refers to base 1, not base claim 9.

#### **Rejection of Claims 18 and 19**

Claim 18 depends from claim 17 and claim 9, and should be allowed for the same reasons set forth above with respect to claim 17 and claim 9. In addition, claim 18 further requires means for axially extending the navigational key from the display screen. Claim 19 depends from claim 9 and should be allowed for the same reasons set forth above with respect to claim 9. Like claim 18, claim 19 requires means for axially extending the navigational key from the display screen. The Office Action rejected claims 18 and 19 for the same reasons as claims 12 and 13. Therefore, claims 18 and 19 are allowable for the same reasons set forth above with regard to claims 12 and 13. Clarification of the grounds of rejection of claims 18-19 which depend from base claim 9, not base claim 1, is also requested.

#### **Rejection of Independent Claim 20**

Independent claim 20 is directed to a portable phone having a housing having a top portion and a bottom portion, a navigational key positioned on the bottom portion of the housing, a display screen positioned in a first position generally above the navigational key on the top portion of the housing, and a keypad positioned on the housing between the display screen and the navigational key; wherein the display screen is rotatable from the first position to a second position where the

display screen is positioned generally to the side of the keypad and navigational key, and wherein the navigational key is *axially extendable* from the keypad when the display screen is in the second position. Claim 20 was rejected under 35 U.S.C. 103(a) as obvious over SanGiovanni in view of Aagaard. Applicant submits that the rejection of claim 20 should be withdrawn. The Office Action acknowledged that SanGiovanni “fail[ed] to teach” a keypad positioned between the display screen and the navigational key; wherein the display screen is rotatable from a first position to a second position and wherein the navigational key is axially extendable from the keypad when the display screen is in the second position. To cure this deficiency, the Office Action turns to the Aagaard reference, which allegedly teaches that the keypad is axially extendable from the navigational key from a first position to a second position and specifically cites to column 2 lines 35-65 and column 7, lines 7-35. *Id.*

Applicant respectfully disagrees that Aagaard shows a keypad that is *axially extendable* from the navigational key from a first position to a second position as required by claim 1, and illustrated in Figure 4 of the present patent application. Instead, Aagaard shows only a second housing portion 106 that includes both a keypad and navigational key. See, e.g., Aagaard Figures 3-9. There is no relative movement between the keypad and the navigational key in Aagaard, as they are both contained on the single second housing portion 106. There is no ability to axially extend the navigational key from the keyboard. In other words, the distance between the keypad and the navigational key remains constant, and they can’t be extended from one another to create a larger distance between the two as claim 1 requires, and is illustrated in Figure 4 of the present application. The cited portions of the Aagaard specification are directed to a hinge that allows relative motion

between the first housing portion 104 (containing the display) and the second housing portion 106 (that contains the navigational key and keyboard). Nothing in the cited sections of Aagaard however, are directed to relative movement of the navigational key and keypad, only the first housing section 104 and the second housing section 106. Accordingly, Applicants respectfully submit that the teaching of Aagaard fail to cure the deficiencies of SanGiovanni and request withdrawal of the rejection of claim 20 as obvious over SanGiovanni and Aagaard.

#### **Rejection of Claims 21, 23, 24, and 26**

Claims 21, 23, 24, and 26 depend from claim 20 and are allowable for the same reasons set forth above with respect to claim 20. However, the Office Action refers to these claims in connection with base claim 1, as opposed to base claim 20. Clarification with regard to the grounds of rejection is requested.

#### **Rejection of Claim 25**

Claim 25 depends from claim 20, and should be allowed for the same reasons discussed above with respect to claim 20. In addition, claim 25 further requires the housing to include a slideway adapted for cooperation with a slide positioned on the bottom surface of the keypad. As set forth above in the discussion of claim 6, none of the references used in rejecting claim 25, including SanGiovanni, Zatloukal, or Ozaki show this slide/slideway feature and the rejection of claim 25 should be withdrawn.

#### **Rejection of Independent Claim 27**

Independent claim 27 is directed to a portable phone having a housing having a top portion

and a bottom portion, a navigational key positioned on the bottom portion of the housing, a display screen positioned in a first position generally above the navigational key on the top portion of the housing, and a keypad positioned on the housing between the display screen and the navigational key; wherein the display screen and keypad are both rotatable 180 degrees around a pivot from a first position wherein the keypad is located between the display screen and the navigational key to a second position wherein the display screen is located between the navigational key and the keypad.

Claim 27 was rejected under 35 U.S.C. 103(a) as obvious over SanGiovanni in view of Aagaard and further in view of Zatloukal. Applicant submits that the rejection of claim 27 should be withdrawn, as SanGiovanni, Aagaard, and Zatloukal all fail to disclose a display screen and a keypad that are both rotatable 180 degrees around a pivot such that in a first position the keypad is located between the display screen and the navigational key and in a second position the display screen is located between the navigational key and the keypad. SanGiovanni certainly fails to show the keypad and the display screen are rotatable 180 degrees around a pivot on the housing such that in a first position the keypad is located between the navigational key and the display screen and in the second position the display screen is located between the navigational key and the keypad. In SanGiovanni, the display is never positioned between the keypad and the navigational key.

Aagaard and Zatloukal fail to cure this deficiency. They fail to disclose a display screen and a keypad that are both rotatable 180 degrees around a pivot such that in a first position the keypad is located between the display screen and the navigational key and in a second position the display screen is located between the navigational key and the keypad, as required by claim 27 and shown in Figures 1, and 3a and 3b of the present application. As clearly shown in Figure 1, the navigational

key 16 is positioned between the keypad 18 and the display screen 14. As shown in Figure 3a and discussed on page 9 of the specification, the display screen 14 and keypad 18 may be rotated 180 degrees from the first position shown in Figure 1 to the second position where the keypad will be positioned between the navigational key and the display screen. SanGiovanni certainly fails show the keypad and the display screen are rotatable around a pivot on the housing such that in a first position the keypad is located between the navigational key and the display screen and in the second position the display screen is located between the navigational key and the keypad. In SanGiovanni, the display is never positioned between the keypad and the navigational key. Nor does the navigational key move in relation to the keypad. The only component that moves relative to the keypad is the display screen. Essentially, claim 27 calls for swapping the positions of the keypad and the display screen with respect to the navigational key by rotating them both 180 degrees. This feature is not present in SanGiovanni.

Further, Aagaard fails to cure this deficiency as well, as it is directed to a stationary keypad and navigational key that do not move relative to one another (See Figures 2-9). Furthermore, Zatloukal fails to add to the teachings of SanGiovanni and Aagaard as it fails to show rotating the keypad and a display screen 180 degrees from each other via a pivot to “switch places” on the phone housing. See, Specification page 8, lines 1-12. The Office Action refers to Zatloukal as showing a phone with a display screen positioned between a keypad and navigational key. However, this is of no moment, as it does not show physically rotating 180 degrees via a *pivot* a keypad and a display screen relative to a navigational key. Accordingly the rejection of claim 27 should be withdrawn.

### **The Rejection of Claim 29**

Amended claim 29 depends from claim 27 and the rejection of claim 29 should be withdrawn for the same reasons set forth above with respect to claim 27. Claim 29 further requires that “the navigational key is axially extendable from the display screen when the display screen is in the second position.” This similar limitation is found in claim 13 and the Office Action provided the same explanation for the rejection of claim 29 as it did for claim 13. Accordingly, claim 29 is allowable for the same reasons noted above with respect to claim 13.

#### **Rejection of claims 30-32**

Claim 30 depends from claim 29 and claim 27 and the rejection of claim 30 should be withdrawn for the same reasons set forth above with respect to claim 29 and claim 27. Similarly claim 31 depends from claim 27 and the rejection of claim 31 should be withdrawn for the same reasons set forth above with respect to claim 27. Claims 30 and 31 further require that the keypad is also “axially extendable from the display screen when the display screen is in the second position.” This similar limitation is also found in claim 11. The Office Action provided the same reasoning for rejecting claims 30 and 31 as it did for claim 11. Accordingly claims 30 and 31 are allowable for the same reasons set forth above with regard to claim 11.

Claim 32 depends from claim 27, and the rejection of claim 32 should be withdrawn for the same reasons set forth above with respect to claim 27. Claim 32 further requires that “the keypad and navigational key are both axially extendable from the display screen.” This similar limitation is also found in claim 14. The Office Action provided the same reasoning for rejecting claim 14 as it did for claim 32. Accordingly, claim 32 is allowable for the same reason set forth above with regard to claim 14.

### **Rejection of Claim 33**

Claim 33 depends from claims 29 and 27, and should be allowed for the same reasons discussed above with respect to claims 29 and 27. In addition, claim 33 further requires the housing to include a slideway adapted for cooperation with a slide positioned on the bottom surface of the keypad. As set forth above in the discussion of claim 6, none of the references used in rejecting claim 33, including SanGiovanni, Zatloukal, or Ozaki show this slide/slideway feature and the rejection of claim 33 should be withdrawn.

### **Rejection of Claim 34**

Claim 34 depends from claim 27, and should be allowed for the same reasons set forth above with respect to claim 27.

### **Rejection of Claim 35**

Claim 35 depends from claim 27, and should be allowed for the same reasons set forth above with respect to claim 27. In addition, claim 35 further requires means for axially extending the navigational key from the housing. Claim 35 was rejected for the same reasons as claims 18 and 19 are allowable for the same reasons set forth above with respect to claims 18 and 19.

In view of the foregoing, Applicant respectfully requests that all of the rejections of the pending claims 1, 2, 4-9, 11-21, 23-27, and 29-35 by the prior art be withdrawn.



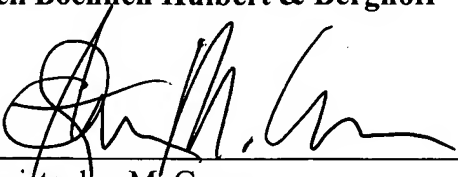


If for any reason, the application is not considered to be in condition for allowance on the next Office Action and an interview would be helpful to resolve any remaining issues, the Examiner is requested to contact the undersigned attorney at (312) 913-2131.

Respectfully submitted,  
**McDonnell Boehnen Hulbert & Berghoff**

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By:

  
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